



EXECUTIVE DEPARTMENT

PROCLAMATION NO. 3 BJ 2008

CONVENING OF LEGISLATURE INTO EXTRAORDINARY SESSION

By virtue of the authority vested in me by Paragraph B of Section 2 of Article III of the Constitution of Louisiana, I, Bobby Jindal, Governor of the state of Louisiana, HEREBY CALL AND CONVENE THE LEGISLATURE OF LOUISIANA INTO EXTRAORDINARY SESSION to convene at the State Capitol, in the city of Baton Rouge, Louisiana, during twenty-one (21) calendar days, beginning at 6:00 p.m. on the 10th day of February, 2008, and ending no later than 6:00 o'clock p.m. on the 1st day of March, 2008. The power to legislate at such session shall be limited, under penalty of nullity, to the following specifically enumerated objects:

ITEM NO. 1 - Financial Disclosure

To legislate relative to financial disclosure for all elected officials and certain appointed officials by:

- (1) amending the gubernatorial disclosure requirements of R.S. 42:1124 to include board affiliations, the identity of clients, job titles and descriptions, and value ranges for real property;
- (2) applying the gubernatorial disclosure requirements of R.S. 42:1124 (as amended) to all statewide elected officials, executive branch department heads, legislators, all officials elected from voting districts with a population of five thousand or more, all members of the Board of Elementary and Secondary Education, and all members of the Ethics Board and its administrator, with an opt-out provision for judges at such time as the Judiciary Commission implements equivalent disclosure standards;
- (3) requiring all officials elected from a voting district with a population of less than five thousand and all appointees to statewide boards and commissions with authority to administer public funds of \$10,000 per fiscal year to file a disclosure form with the Ethics Board stating:

- a) Neither I, my spouse, nor any business enterprise in which I or my spouse have a 10% interest or greater has received income in excess of \$250 from the state of Louisiana or any local governmental entity or political subdivision thereof, or from services performed for or in connection with a gaming interest;

b) I or my spouse did receive income in excess of \$250 from the state of Louisiana or local government entities, or political subdivisions or gaming interest (identify sources and value ranges for each);

c) I certify that I have filed my federal income tax return for the previous year. I certify that I have filed my state income tax return for the previous year;

Or

I certify that I have filed for an extension of my federal income tax return for the previous year. I certify that I have filed for an extension of my state income tax return for the previous year; and

(4) requiring that candidates for public offices make the same disclosures as required for office holders.

ITEM NO. 2 - Conflicts of Interest

To legislate relative to conflicts of interest by statewide elected officials, legislators and statewide appointed boards and commissions by:

(1) prohibiting legislators, their spouses, and businesses in which they own any interest from entering any contracts that are authorized or renewed during the legislator's term of office and for one year thereafter, excluding retail transactions for less than \$2,500;

(2) prohibiting negotiated (i.e., non-competitively bid) contracts between the state and the adult children, siblings and parents of legislators and their spouses authorized or renewed during the legislator's term of office and for one year thereafter, excluding retail transactions for less than \$2,500, and requiring greater disclosure for all competitively bid contracts between the state and these individuals;

(3) providing for an exception to the contract prohibitions during gubernatorial declared disasters and authorizing the Governor to waive the retail transactions limitation by executive order;

(4) prohibiting statewide elected officials, legislators, their spouses, and enterprises in which they own any interest from receiving recovery-related contracts, excluding retail transactions for less than \$2,500, during their term of office and for one year thereafter;

(5) prohibiting statewide elected officials, heads of executive departments, and legislators from representing clients before any executive or legislative state agency, with an exception for "ministerial matters";

(6) prohibiting legislators from receiving any compensation for assisting with the execution or funding of any judgment against the state;

(7) prohibiting lobbying by immediate family members of statewide elected officials, executive branch department heads, and legislators of the official's or office-holder's staff;

(8) prohibiting legislators from performing lobbying services as a "consultant" or otherwise;

- (9) requiring non-governmental entities to submit a supplemental information form to the Secretary of the Senate and the Clerk of the House, and requiring the Senate and House to make these forms readily available;
- (10) repealing the gift exception for elected officials for cultural and sporting events in R.S. 42:1123(13);
- (11) requiring a two-thirds vote of the legislature to enact or re-enact exceptions to the Ethics Code; and
- (12) repealing the written statement exception to the recusal rule of R.S. 42:1120.

ITEM NO. 3 - Transparency for Lobbyists

To legislate relative to increased transparency for lobbyists and lobbying activities by:

- (1) requiring that lobbyists' registration forms include compensation ranges, subject matter of lobbying activity, and business relationships with statewide elected officials, executive department heads, legislators and their spouses;
- (2) requiring that lobbyists' expenditure reports include spending on spouses and dependant children of executive branch elected and appointed officials and legislators, subject matter of lobbying activities, and expenditure totals by category;
- (3) requiring that lobbyists' reports be filed monthly;
- (4) requiring all lobbyists' filings to be electronic and posted in an online, search-able database;
- (5) prohibiting contingency fee contracts for lobbyists;
- (6) restricting lobbyists' spending on public servants to \$50 per meal on food and beverages per public servant;
- (7) requiring that lobbyists disclose aggregate monthly expenditures in excess of \$50 per public servant;
- (8) increasing penalties for inaccurate or incomplete reporting by lobbyists; and
- (9) establishing penalties for lobbyists who file reports filed "with knowledge of its falsity" consistent with R.S. 14:133.

ITEM NO. 4 - Improving Ethics Education and Enforcement

To legislate relative to improving the education and training of public servants concerning the obligations and prohibitions of the Ethics Code and to improve procedures for enforcement of ethical standards for all public servants by:

- (1) requiring annual ethics training for all public servants, with testing and certification upon completion;
- (2) requiring annual ethics training for all lobbyists;
- (3) requiring orientation and training for Ethics Board members prior to performing any function for the Board;
- (4) requiring that at least three members of the Ethics Board be attorneys;
- (5) requiring greater separation between the Ethics Board's advisory, investigatory and prosecutorial functions;
- (6) providing for a confidential advisory process and requiring that opinions be sterilized before publication to preserve the confidentiality of public servants requesting opinions;
- (7) requiring the Ethics Board to expedite the process for, and maintain confidentiality during, the initial screening of complaints;
- (8) requiring that all complaints not warranting investigation be summarily dismissed and expunged;
- (9) requiring the Ethics Board to offer consent judgments for expedited compliance following investigation but before charges are filed, with all final consent judgments made public;
- (10) separating the prosecutorial and adjudicatory process by utilizing administrative law judges to preside over hearings and to rule on charges and penalties;
- (11) creating objective criteria for the Ethics Board's current authority to issue waivers and grant penalty reductions;
- (12) mandating the prompt referral of unpaid fines to the Attorney General's office for collection proceedings;
- (13) requiring the Ethics Board to maintain certain records for seven years, to file an annual performance report online, and to post "as soon as possible" all disclosure forms and reports of candidates, public officials, and lobbyists on the Ethics Board website in a search-able database;
- (14) providing criminal penalties for willful and fraudulent violations of the Ethics Code;
- (15) requiring the suspension of public servants charged with a crime related to his or her public office;
- (16) proposing an amendment to the Constitution of Louisiana establishing the power of electors to exercise the legislative power of the state to propose a new law or amend existing law requiring that public servants convicted of a crime related to their public office forfeit the tax-payer portion of their pension; and

(17) prohibiting indicted legislators from serving on committees, subject to waiver by either chamber by a two-thirds vote.

ITEM NO. 5 - Transparency and Public Access to Information

To legislate relative to improving access to public information and records by:

- (1) requiring the online posting of reports of all state spending by agency and function;
- (2) requiring all legislative floor proceedings and committee hearings to be broadcast free of charge over the internet and archived for at least three years;
- (3) prohibiting legislators from changing votes after completion of floor action;
- (4) providing for an expedited and efficient administrative appeals process to resolve disputes over access to public records;
- (5) authorizing the termination of public employees who willfully violate the public records law and the open meeting law; and
- (6) prohibiting the use of counter letters to circumvent the Ethics Code.

ITEM NO. 6 - Further Combating Fraud and Abuse

To legislate relative to other public officers and private citizens participating in the prevention of fraud and abuse by:

- (1) enabling the Office of Inspector General by statute;
- (2) granting authority to local inspector generals and ethical governing bodies to issue and enforce subpoenas in state court and providing for confidentiality during investigations by such;
- (3) expanding whistleblower protection to prohibit threats of reprisal to public servants; and
- (4) authorizing *qui tam* incentives and standing to citizens to pursue public fraud cases when the state refuses to act.

ITEM NO. 7 - Improve Campaign Finance Laws

To legislate relative to improving campaign finance laws by:

- (1) requiring that Section 527 political groups disclose all contributors, contributions and expenditures;
- (2) requiring third party political advertisements to disclose the identity of the group sponsoring the advertisement on or within the advertisement itself;
- (3) prohibiting candidates for elected offices from using campaign funds to pay family members;
- (4) prohibiting candidates for statewide and legislative offices from fundraising during regular legislative sessions;

- (5) requiring candidates to successfully complete ethics training as a condition of qualifying;
- (6) prohibiting individuals with outstanding ethics fines from qualifying as a candidate for elected office;
- (7) requiring candidates to request that contributors above \$250 disclose the identify of their employers and to disclose such information on campaign reports; and
- (8) establishing a \$10,000 limit for individuals and entities contributing to gubernatorial transition teams.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of February, 2008.

/S/ Bobby Jindal
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Jay Dardenne
SECRETARY OF STATE